

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES INVESTOR PROTECTION :
CORPORATION,

Adv. Pro. No.

: 08-01789(SMB)

Plaintiff-Applicant,

: SIPA LIQUIDATION

v.

: (Substantively
Consolidated)

BERNARD L. MADOFF INVESTMENT
SECURITIES, LLC,

:

Defendant.

:

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In Re:

:

BERNARD L. MADOFF,

:

Debtor.

:

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IRVING H. PICARD, Trustee
for the Liquidation of
Bernard L. Madoff Investment
Securities LLC,

:

:

Adv. Pro. No.

: 10-04995(SMB)

Plaintiff,

:

v.

:

TRUST U/ART FOURTH O/W/O ISRAEL
WILENITZ, EVELYN BEREZIN
WILENITZ, individually, and as
Trustee and Beneficiary of the
Trust U/ART FOURTH O/W/O ISRAEL
WILENITZ and SARA SEIMS, as
Trustee of the Trust U/Art
Fourth O/W/O Israel Wilenitz,

:

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:

:

Defendants.

:

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CONFERENCE

Monday, November 19, 2018

1 TRANSCRIPT OF PROCEEDINGS as
2 reported by NANCY C. BENDISH, Certified Court
3 Reporter, RMR, CRR and Notary Public of the
4 States of New York and New Jersey, at JAMS
5 offices, 620 Eighth Avenue, 34th Floor, New
6 York, New York on Monday, November 19, 2018,
7 commencing at 10:23 a.m.

8

B E F O R E:

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10 HON. FRANK MAAS (RET.), Arbitrator
fmaas@jamsadr.com
11 JAMS
620 Eighth Avenue
12 34th Floor
New York, New York 10018

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14 A P P E A R A N C E S:

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BAKER HOSTETLER LLP
16 45 Rockefeller Plaza
14th Floor
17 New York, New York 10111-0100
BY: MAXIMILLIAN S. SHIFRIN, ESQ.
18 mshifrin@bakerlaw.com
NICHOLAS J. CREMONA, ESQ.
19 ncremona@bakerlaw.com
For the Trustee Irving Picard

20

21 CHAITMAN LLP
465 Park Avenue
22 New York, New York 10022
BY: HELEN DAVIS CHAITMAN, ESQ.
23 hchaitman@chaitmanllp.com
GREGORY M. DEXTER, ESQ.
24 gdexter@chaitmanllp.com
For the Defendants

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1 considered in connection with their reports.
2 They are effectively Rule 26 disclosures/
3 productions, and we affirmatively make those
4 documents available. That was the purpose of
5 E-Data Room 1. That is not the entire universe
6 of the Trustee's data. There is considerably
7 more.

8 Now, the BLMIS database is an
9 internal Relativity database that contains the
10 processed data, processed BLMIS data in the
11 Trustee's possession. Now, we've articulated
12 this to Ms. Chaitman many times.

13 That includes virtually every
14 single hard copy and electronic document
15 recovered from the operative floors of the
16 Lipstick Building. All of those documents are
17 processed and in the BLMIS database. But,
18 again, that is not the entirety of the Trustee's
19 data. There are unscanned boxes, there are
20 unprocessed pieces of media, there is a
21 warehouse in Queens.

22 Again, we have disclosed all of
23 this for years. We have specifically stated all
24 of this to Ms. Chaitman for years. She and
25 every other defendant is on notice of all of

1 that's not pages, by the way, that's every
2 scanned piece of paper, every piece of paper
3 recovered from an entire company from three
4 floors, 17th, 18th 19th floor, every piece of
5 document, every hard copy document coming from
6 every office, work space, et cetera.

7 So, to the extent there are
8 documents within that population, that one
9 million document population that would hit on
10 those search terms, they would be included,
11 absolutely.

12 MS. CHAITMAN: Let me just, if I
13 may, Your Honor, may I ask a question?

14 JUDGE MAAS: Yes.

15 MS. CHAITMAN: Let's assume that
16 there was someone in Madoff's offices who would
17 annually collect all third-party statements,
18 let's just assume that, and put them in a
19 warehouse in Queens. That would not be
20 encompassed in this, right?

21 MR. SHIFRIN: Anything that's
22 unprocessed and not in the BLMIS database, so an
23 unscanned box of documents, no, that wouldn't be
24 encompassed in this.

25 JUDGE MAAS: But you also have

1 indices that the Trustee furnished, I think at
2 my direction, so that you could go through the
3 indices and say there may be something in box
4 63.

5 MR. SHIFRIN: And they're
6 substantive, too.

7 JUDGE MAAS: And I gather that
8 hasn't happened.

9 MR. SHIFRIN: Not once. And there
10 are descriptors in each line item that tell you
11 what's in the box.

12 JUDGE MAAS: And the Trustee
13 further went through that exercise -- correct me
14 if I'm wrong -- and found some microfiche that
15 potentially was responsive and restored all of
16 those.

17 MR. SHIFRIN: We restored all
18 pre-1992 microfilm reels because that's what she
19 was after at the time and we produced all
20 documents restored from those microfilm reels.
21 In fact, Ms. Chaitman now has all documents
22 contained and stored on every single microfilm
23 reel that the Trustee has restored. So there's
24 no --

25 MS. CHAITMAN: But that's just the

1 documents, one of those being Your Honor's
2 order, and the other was he was alluding to the
3 conference that Ms. Chaitman says was an order,
4 but he was doing that on the basis of
5 misinformation that Ms. Chaitman brought to
6 Judge Bernstein. And this was the conference
7 with respect to the microfilm that I was
8 speaking about earlier, and when we clarified
9 the record at the next hearing, he abandoned
10 that.

11 JUDGE MAAS: Send me the
12 transcript of those two conferences.

13 MR. SHIFRIN: Absolutely.

14 JUDGE MAAS: And I will await
15 receiving the transcript of this conference, and
16 then I will rule. Thank you all.

17 MR. SHIFRIN: Thank you very much,
18 Your Honor.

19 MS. CHAITMAN: Thank you, Judge.

20 (Conference concluded 11:25 a.m.)

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1 C E R T I F I C A T E

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3 I, NANCY C. BENDISH, a Certified
4 Court Reporter and Notary Public of the States
5 of New Jersey and New York, do hereby certify
6 that the foregoing is a true and accurate
7 transcript of the proceedings as taken
8 stenographically by and before me at the time,
9 place, and on the date hereinbefore set forth.

10 I DO FURTHER CERTIFY that I am
11 neither a relative nor employee nor attorney nor
12 counsel of any party in this action and that I
13 am neither a relative nor employee of such
14 attorney or counsel, and that I am not
15 financially interested in the event nor outcome
16 of this action.

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23 Dated: November 20, 2018

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